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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/763,385	02/21/2001	Yasuhiro Tanaka	10873.654USW	5060

7590 02/09/2004

Merchant & Gould  
PO Box 2903  
Minneapolis, MN 55402-0903

EXAMINER

TRAN, THANG V

ART UNIT	PAPER NUMBER
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2653

DATE MAILED: 02/09/2004

*9*

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/763,385

Applicant(s)

TANAKA ET AL.

Examiner

Thang V. Tran

Art Unit

2653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 November 2003.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21,23-29,31,32 and 34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-20,29,31,32 and 34 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 19,20 and 25-27 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

The amendment dated 11/12/03 has been considered with the following results:

***Claim Objections***

1. Claim 19-20 are objected to because of the following informalities: the number of claim as recited in claim 19, line 7, is missing. Claim 20 falls with its parent claim 19. Appropriate correction is required. . Note: Since there is no amendment to claim 19, claim 19 is treated as original claim.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 21, 23, 24 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Yagi (US 5,808,999).

Yagi, according to Figs. 1, 2A, 3A, 4A, 5A, 5B and 8, shows an optical head device comprising all the features of the instant claimed invention as interpreted as below.

Regarding claim 21, see Fig. 1 or 8 which shows an objective lens (31) for an optical disk comprising a single lens made of glass and focusing light beams into a point image through first and second optical disk substrates each having different thickness, wherein the objective lens also including at least one surface being divided into at least three region by concentric circles having an optical axis as a center (see Fig. 1, 2A, 4A, 5A or 8), the three regions including first region including the optical axis, a second region located outermost part are

rotationally symmetric aspheric surfaces and a third region sandwiched by the first and the second regions is a toric surface having the optical axis as an axis of rotation and is in contact with the second region and intersects the first region (see Fig. 1, 2A, 4A, 5A or 8 for details)

Regarding claim 22, since the first region and a second region of the objective lens shown in Fig. 1, 2A, 4A or 8 having different aspheric surfaces, the aspheric coefficients thereof are also different from each other accordingly.

Regarding claim 24, see the surface of the third region of the objective lens shown in Fig. 1, 2A, 4A or 8.

Regarding claim 28, see Fig. 1 of Yagi which shows an optical head device comprising a first light source (see column 6, lines 42-50) for emitting a light beam having a first wavelength (long wave length), a second light source (see column 6, lines 42-50) for emitting a light beam having a second wavelength (short wavelength) different from the first wavelength; a focusing means (31) for focusing a light beams onto an information recording medium, a first light receiving means (13) for receiving the light beam having the first wavelength reflected from the recording medium and a second receiving means (13) for receiving the light beam having the second wavelength, and see the rejection applied to claim 21 above for the limitation of the focusing means as recited in the claim.

***Allowable Subject Matter***

4. Claims 25-27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. Claims 1-18, 29, 31, 32, and 34 allowed.

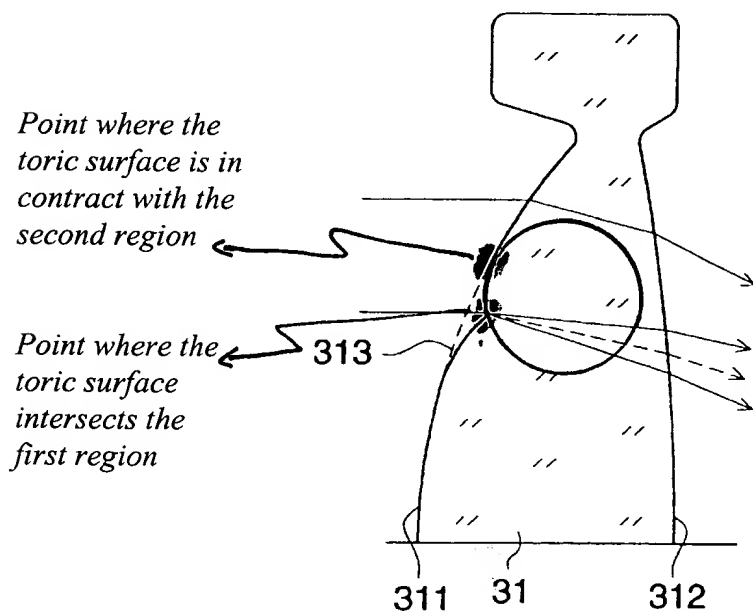
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6. Claims 19 and 20 would be allowable with their parent claim if rewritten to overcome the objection, set forth in this Office action.

*Response to Arguments*

7. In response to Applicant's arguments filed 11/12/03, Applicant's attention is drawn to Fig 1, 2A, 4A, 5A or 8 of Yagi which clearly shows the objective lens having a third region that is sandwiched by a first region located at an innermost part of the objective lens and a second region located at outermost part of the objective lens, and the third region has a toric surface that is in contact with the second region and intersects the first region (see a sketch illustrated below).

**FIG. 4 (A)**

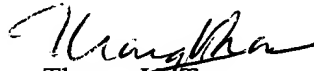


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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thang V. Tran whose telephone number is (703) 308-1551. The examiner can normally be reached on Tuesday to Friday, from 7:30AM to 6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on (703) 305-6137. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

  
Thang V. Tran  
Primary Examiner  
Art Unit 2653